



City of San Antonio

Agenda Memorandum

File Number:19-5366

Agenda Item Number: 7.

Agenda Date: 7/15/2019

In Control: Board of Adjustment

Case Number: BOA-19-10300071
Applicant: Louisa G. Dulaney
Owner: Louisa G. Dulaney
Council District: 10
Location: 7902 Thornhill Street
Legal: Lot 71, Block 1
Description:
Zoning: "R-5 AHOD" Residential-Single Family Airport Hazard
Overlay District
Case Manager: Debora Gonzalez, Senior Planner

Request

A request for a 3' variance from the 5' side setback, as described in Section 35-370, to allow an attached carport to be 2' from the side property line.

Executive Summary

The subject property is located at 7902 Thornhill Street, approximately 450 feet south of East Lawndale Drive. The applicant is seeking to build an attached carport 2' away from side property line only encroaching in a portion of the corner. The house was originally built in 1961 in a unique shape lot, located at a dead end street and it has a lot of vegetation in the front that makes most of the structure not visual to the public.

Code Enforcement History

No Code Enforcement history exists on the property.

Permit History

The property owner is seeking variance to allow for permit to be issued.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“R-5 AHOD” Residential-Single Family Airport Hazard Overlay District	Single-Family Residential

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“R-5 AHOD” Residential-Single Family Airport Hazard Overlay District	Single-Family Residential
South	“R-5 AHOD” Residential-Single Family Airport Hazard Overlay District	Single-Family Residential
East	“R-5 AHOD” Residential-Single Family Airport Hazard Overlay District	Single-Family Residential
West	“R-5 AHOD” Residential-Single Family Airport Hazard Overlay District	Single-Family Residential

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the Northeast Inner Loop Plan and it is currently designated as “Low Density Residential” in the future land use component of the plan. The subject property is located within the boundaries of the Oak Park-Northwood Neighborhood Association. As such, they were notified and asked to comment.

Street Classification

Thornhill Street is classified as a Local Street.

Criteria for Review

According to Section 35-482(e) of the UDC, in order for a variance to be granted, the applicant must demonstrate all of the following:

1. *The variance is not contrary to the public interest.*

The public interest is defined as the general health, safety, and welfare of the public. In this case, the variance is not contrary to the public interest. The attached carport will only be encroaching in a portion of the side setback and will not be visible from the street. The attached carport would provide adequate room for maintenance and would provide separation for fire spread and rainwater runoff. Staff finds that the carport, as proposed, is not contrary to the public interest.

1. *Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.*

Literal enforcement of the ordinance would require that the applicant find an alternative design to that portion of the carport that infringes into the side setback which would result in unnecessary financial hardship.

2. *By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done.*

The spirit of the ordinance is the intent of the code, rather than the strict letter of the law. The new carport is not overwhelming in size and will meet all other setback requirements.

3. *The variance will not authorize the operation of a use other than those uses specifically authorized in the district in which the request for a variance is located.*

The variance will not authorize the operation of a use other than those uses specifically authorized in the zoning district.

4. *Such variance will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the district in which the property is located.*

The request will not injure the rights of neighboring properties as the reduction does not detract from the character of the neighborhood.

5. *The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located.*

The unique circumstance existing on the property is the odd shape lot in a cul-de-sac street only encroaching in a portion of the side setback.

Alternative to Applicant's Request

Denial of the variance request would result in the owner having to meet the required side setback and adhere to Section 35-370.

Staff Recommendation

Staff recommends **APPROVAL** of variance in **BOA-19-10300071**, based on the following findings of fact:

1. The 2' side setback will allow the carport to be easily fire rated, and is safe for the property owner and neighbors;
2. The attached carport will not detract from the character of the neighborhood.